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6 IN THE UNITED STATES DISTRICT COURT  
7  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9

10 AMERICAN SMALL BUSINESS  
11 LEAGUE,

No. C 14-02166 WHA

12 Plaintiff,

13 v.

**ORDER RE MOTION FOR  
SUMMARY JUDGMENT**

14 DEPARTMENT OF DEFENSE,

15 Defendant.  
16 \_\_\_\_\_/

17 For the reasons stated on the record during the motion hearing on January 17, defendants'  
18 motion for summary judgment is **DENIED IN PART** with respect to redaction numbers 51 and 54  
19 (*see* Dkt. No. 135 at 50:20–51:6).

20 Defendants' motion for summary judgment is **GRANTED IN PART** with respect to the four  
21 signatures defendants contend are covered by Exemption 6. *See* 5 U.S.C. § 552(b)(6). In its  
22 decision reversing the prior disclosure order in this very action, our court of appeals specifically  
23 considered, among other things, the signatures of Sikorsky employees. The decision stated (Dkt.  
24 No. 65 at 4 (citations omitted)):

25 Although the employees' privacy interests in that information are  
26 small, they are not trivial because culprits could use the  
27 information for such purposes as harassment or forgery. We can  
28 identify no countervailing public interest sufficient to justify  
disclosure in these circumstances, especially since the Department  
already disclosed the names of all employees mentioned in the  
Plan.

1 In a prior hearing, the undersigned judge also explicitly advised both sides that there was “no  
2 way” he would order the disclosure of signatures and other “personal identifying information”  
3 due to concerns of fraud (Dkt. No. 124 at 9:25–10:6).

4 The ASBL nevertheless continues to seek disclosure of the four signatures, arguing that  
5 *different* signatures in the public record demonstrate the “speculative” nature of the threat to  
6 privacy at issue. The ASBL brushes off the prior statements by both our court of appeals and the  
7 undersigned judge on the basis that neither “specifically concerned the images of signatures”  
8 (Dkt. No. 129 at 18). These assertions cannot be squared with the plain language in the record.  
9 Additionally, as our court of appeals already noted, the ASBL has presented — and continues to  
10 present — no evidence of any countervailing public interest sufficient to justify disclosure.  
11 Because there is no genuine dispute of material fact that Exemption 6 applies to the four  
12 signatures at issue, summary judgment is proper as to those signatures.

13 Except to the extent stated above, defendants’ motion for summary judgment is **DENIED**  
14 due to genuine disputes of material fact. If both sides will so stipulate, the Court will try this  
15 case on the summary judgment record based on its own factual evaluation thereof. If both sides  
16 will so stipulate, we will have closing arguments with each side receiving an hour (total of two  
17 hours). Otherwise, we will proceed to a bench trial with a fresh record. Counsel shall please  
18 promptly advise the Court how they wish to proceed.

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20 **IT IS SO ORDERED.**

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22 Dated: January 23, 2018.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE